

REMARKS

The Office Action mailed June 4, 2008 has been carefully considered and the following is responsive thereto. Claims 1-45 are pending in the present application. Claims 29-45 are withdrawn from consideration, and claims 1-28 stand rejected.

At the outset, it is noted with appreciation that the Examiner has withdrawn the previous prior art rejections of record.

However, at page 3 of the Office Action, the Examiner newly rejects claims 1-28 under 35 USC § 103 as being obvious over Jonsson in view of Guiseley. The Examiner's position is essentially that Jonsson discloses a food composition in the form of a gel comprising soluble solids in the range of about 50% to about 90 % by weight and a carrageenan component present in an amount sufficient to gel. The Examiner indicates that the gel of the present invention (claiming the viscosity of the carrageenan to be 5 to less than 10 cP) is not disclosed in Jonsson. However, the Examiner asserts that Guiseley discloses the use of carrageenans having the presently claimed viscosity in milk products. Therefore, the Examiner argues that it would have been obvious to combine the teachings of Jonsson with the teachings of Guiseley since both patents disclose carrageenan in the presence of food compositions.

Applicants respectfully traverse the rejection and respectfully request reconsideration thereof. That is, Jonsson is directed to the stated problem of overcoming the limited solubility of using carrageenan in high solids systems for food compositions. More specifically, the Jonsson invention is directed to food compositions comprising soluble solids in the range of 50% to 70% by weight, at least 70% by weight thereof being a sweetening system comprising sucrose and non-sucrose sweeteners. Jonsson discloses that the use of such a sweetening system surprisingly allows the carrageenan component to be dissolved in a high solids system. Any carrageenan that can provide the desired gelling property is disclosed to be useful in the invention.

However, as the Examiner notes in the Office Action, Jonsson does not disclose the presently claimed homogeneous, thermoreversible gel comprising the carrageenan having the

claimed viscosity and, contrary to the Examiner's argument, Applicants submit that one skilled in the art would not have combined the references to arrive at the presently claimed invention.

That is, Guiseley has been previously cited by the Examiner to support rejections, and Applicants have explained that Guiseley does not disclose or suggest a homogeneous, thermoreversible gel comprising the claimed carrageenan, its content in the gel and/or the solids content of the gel and those comments are incorporated herein by reference. Importantly, Applicants have explained that Guiseley discloses that the low molecular weight carrageenan extract of *the Guiseley invention* is used as a stabilizer for chocolate milk because it is indicated therein that it will *not* lead to gelation (see col. 5, lines 39-40). Therefore, contrary to the Examiner's position, the carrageenan materials of the Guiseley invention are specifically disclosed as being useful therein because they would NOT lead to gelation, and, accordingly, one skilled in the art would not have been motivated to use such carrageenans in the teachings of Jonsson.

As previously explained, to Applicants' surprise, in high solids carrageenan gels, such as at least 40% solids, the gels and gel films containing reduced molecular weight carrageenans of the present invention result in a highly desirable lowering of the gelling temperature. The gelling temperature is significantly reduced in such gels as shown at pages 7 and 8 of the specification. Lower gelling temperatures of the gels considerably benefits processing of the gels and overcomes problems associated with high gelling temperatures.

Nothing in Jonsson or Guiseley, alone or together, discloses or suggests lowering of the gelling temperatures of homogeneous, thermoreversible gels with a high solids content of at least 40% when using reduced molecular weight carrageenan that has a viscosity of 5 to less than 10 cP when measured in accordance with the present claims.

In view of the foregoing, it is respectfully submitted that claims 1-28 are unobvious and patentable over the combination of Jonsson and Guiseley. Accordingly, withdrawal of this section 103 rejection is respectfully requested.

In view of the above, the present application is believed to be in a condition ready for allowance. Reconsideration of the application is requested and an early Notice of Allowance is earnestly solicited.

Application No.: 10/824688

Docket No.: 60382-USA

Dated: November 4, 2008

Respectfully submitted,

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